

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento 95814
(916) 322-5387



June 17, 1976

ALL-COUNTY LETTER NO. 76-86

• TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: INTERCOUNTY TRANSFER OF AFDC

REFERENCE: 40-187 AND 40-195

Many questions have recently arisen with regard to required actions as a result of a change in circumstance or new information during an intercounty transfer. This letter is to emphasize current regulations on the transfer procedure.

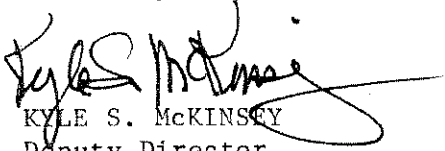
The purpose of the intercounty transfer procedure is to ensure that there is no interruption or overlapping of aid payments when an eligible recipient moves from one county (County A) to make his home in another county (County B). Therefore, in the process of an intercounty transfer, when the recipient continues to reside in County B and there has been no discontinuance for cause by County A prior to or at the end of the transfer period, County B may not refuse to accept such transfer (MPP 40-195.1).

When a recipient of AFDC moves his residence from County A to County B, County A is responsible for determining eligibility and granting or denying aid during the transfer period. If County B has information or facts which affect the recipient's grant or eligibility prior to the end of the transfer period, that information shall be promptly transmitted to County A so that the appropriate action may be taken (MPP 40-195.222). If County A acts to discontinue aid based on this or any other factual information, it must issue proper notice to the recipient before taking action for cause. County B should also be informed of any such action.

If aid is not discontinued for cause by County A prior to the end of the transfer period, County B shall accept the transfer and the determination of County A pursuant to MPP 40-159.1. If County B determines that the recipient is not eligible or is eligible to a lesser grant once the transfer period expires, it must provide timely and adequate notice to the recipient before taking action to reduce the grant or discontinue aid on the transfer date.

If prior to the end of the transfer period, County A issues a notice of adverse action a hearing is requested in a timely manner, County A will be responsible for continuing aid as specified in MPP 22-022.4 until the end of the transfer period; County B will be responsible after the end of transfer period. For a more complete discussion, see All-County Letter of October 5, 1972.

Sincerely,



KYLE S. McKINSEY
Deputy Director

cc: CWDA

Attachment

DEPARTMENT OF SOCIAL WELFARE

P STREET
SACRAMENTO 95814

October 5, 1972

. TO: ALL COUNTY WELFARE DIRECTORS

AID PAID PENDING AND INTERCOUNTY TRANSFERS

In response to numerous questions regarding the treatment of "aid paid pending" cases involved in intercounty transfers, the following is intended as clarification of departmental policy on this subject.

Regulations governing intercounty transfers are set forth in MPP Sections 40-187 through 40-197. These procedures and requirements regulate all intercounty transfers regardless of the existence of an "aid paid pending" situation.

PROBLEM: The basic situation in which the problems arise is that in which County A discontinues aid to a recipient who appeals and becomes qualified to receive aid pending the hearing. The recipient then moves to County B intending to make his home there.

In this situation, County A should initiate transfer of the case to County B and pay aid during the transfer period. (See MPP 40-187.15 for definition of transfer period.) County B is required to accept the transfer and assume responsibility for continued "aid pending" payments subsequent to the expiration of the transfer period.

EXPLANATION: The county in which a recipient lives is responsible for determining eligibility and for granting or denying aid. MPP 40-125.1. The "county in which a recipient lives" is defined generally as the county in which he is physically present. MPP 40-125.3, 40-189.12. Therefore, once a recipient makes a move from County A to County B with the intention of making County B his home, his physical presence there establishes County B as the county of responsibility subject to the transfer procedures. The "aid paid pending" is, in this instance, treated as any other type of aid payment.

Although County B is determined to be the county of responsibility subsequent to the transfer period, the eligibility determination rendered by County A must be accepted and given effect by County B in the absence of a showing of fraud or a material change in circumstances. W&IC 11503, MPP 40-159.1. The recipient is entitled to the uninterrupted receipt of aid for which he was found to have been eligible. MPP 40-187.2.

October 5, 1972

Since the aid payments to the transferring recipient are to be continuous and uninterrupted, without a new eligibility determination being made by County B, any circumstances discovered by County B which affect the aid payment require an adequate notice of action to be sent by County B to the recipient. In this case County B is not a granting county, but is a transferee county and has an obligation to continue aid payments at the level established by County A until a change is initiated in the same manner as for any other recipient in County B. An appeal from such action would require County B to pay any "aid pending" for which the recipient qualifies. If the transferring recipient is receiving "aid pending" County B may not initiate the same action which gave rise to the initial appeal against County A for which the "aid pending" is being paid.

Once the transfer period is over, County A has no further responsibility for "aid pending" or notice requirements. However, if the recipient appeals the transfer itself, County A would be responsible for all payments pending the hearing decision. In such case there has been no determination of actual fact of the recipient's move to another county so the transfer procedures are inapplicable.

In any transfer situation, County B is responsible for paying aid only subsequent to the expiration of the transfer period. MPP 40-187. Therefore, if a recipient case has completed transfer to County B and an order for retroactive aid is made due to a court order or other circumstance, the county in which the recipient lived during the period of such retroactive aid is fiscally responsible to make the payment. However, since County B is the county with current responsibility for payment, it must assume an obligation to see that the recipient's grant is correctly adjusted so that he benefits from the retroactive aid payment ordered.

Sincerely,



ROBERT B. CARLESON
Director of Social Welfare

Herrick	Engelman	Diefendorf	Andriola	Hanley, Phil (OAH)
Coughlin	Chandler	Hendrix	Blegen	Pierson, Carl (OAH)
Davidson	Duncan	Homer	Bloom	Fait
Hoobyar	Freeman	Knowles	Champion	Brooklier
McCaleb	Levison	Kralowec	Courtney	Sweeney
Menard	Rosenfield	Levy	DiPietra	Chell
Rosen	Wanzo	Lockett	Donofrio	
Salazar		Peterson	Gilson	
Varquez	Smith, Ruby	Rowen	Henke	
	Acello	Sugano	Johnson	Hollis, John
Pierson	Allee	Wong	MacGregor	Sherman, Phillip
Baeck	Barton		Maloney	Synkowitz, Jos.
Lisker	Hamilton		Smith, G.	McKibbin, Phillip
Spyra	Luft		Wright	Wilcock, Thomas
Trout	Manes			Herzog, Nancy
	Miller			Buntjer, Dan
	Voncha			